

DISTRICT OF OREGON, ss: AFFIDAVIT OF Joseph O. Youngblood

Affidavit in Support of a Criminal Complaint and Arrest Warrant

I, Joseph O. Youngblood, being duly sworn, do hereby depose and state as follows:

Introduction and Agent Background

1. I am a Special Agent with the Federal Bureau of Investigation and have been employed as such since July of 2019. I successfully completed 21 weeks of training at the FBI Academy located in Quantico, Virginia. During that time, I was taught the use and practical application of various investigative techniques that federal law enforcement officers are allowed to employ. Since December of 2019, I have been assigned to the Portland Division Violent Crime Squad. My training and experience include my time in the FBI as well as four years of previous federal law enforcement experience as a Military Police Officer in the United States Marine Corps. I have been empowered under Title 18, United States Code, Sections 3052 and 3053, and Rule 4 of the Federal Rules of Criminal Procedure, to conduct investigations and make arrests for federal criminal offenses, including violations of 18 U.S.C. § 231(a)(3) (civil disorder – obstruction of law enforcement), 18 U.S.C. § 231(a)(1) (civil disorder - incendiary device), 18 U.S.C. § 844(f)(1) (arson), 18 U.S.C. § 2101 (riot), and 18 U.S.C. § 371 (conspiracy).

2. I submit this affidavit in support of a criminal complaint and arrest warrant for Kristopher Michael Donnelly, for civil disorder in violation of 18 U.S.C. § 231(a)(3). As set forth below, there is probable cause to believe, and I do believe, that on two occasions Donnelly has thrown hard objects capable of causing injury at law enforcement officers and has assaulted a public safety officer and resisted arrest for the purpose of obstructing, impeding, or interfering in

a violent manner with such law enforcement officers; that he did so knowingly and willfully, and that he did so during a civil disorder that adversely affected interstate commerce.

Applicable Law

3. Title 18 U.S.C. § 231(a)(3) provides that “whoever commits or attempts to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to an during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce . . . shall be fined under this title or imprisoned not more than five years or both.” The term “civil disorder” means “any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual.”

Statement of Probable Cause

4. On August 5, 2020, Portland Police Bureau Officer Dustin L. Barth was a member of the Portland Police Bureau Riot Response team conducting crowd control duties in relation to a declared riot at the Portland Police East Precinct located at 737 SE 106th Avenue, Portland, Oregon 97216. At approximately 10:30 p.m. on August 5th, Officer Barth conducted a lawful arrest of subject Kristopher Donnelly. Donnelly was previously observed by police using a hammer to destroy a window at the Portland Police Bureau East Precinct. Immediately preceding his arrest, Donnelly was identified by police, due to his distinctive hair, throwing empty teargas grenade canisters, hard objects capable of causing injury, at police while refusing to disperse from SE 106th Avenue and blocking traffic. Officer Barth informed Donnelly he was

under arrest and attempted to take him into custody. Donnelly then forcefully struck Officer Barth in the face using his elbow. Donnelly continued to resist arrest, requiring several more officers to assist Officer Barth, before Donnelly was successfully taken into custody. Donnelly was charged under Oregon State law with Riot, Disorderly Conduct II, Interfering with a Public Safety Officer, Assaulting a Public Safety Officer, Vandalism, and Resisting Arrest.

5. On August 8, 2020, Donnelly was arrested by Portland Police Bureau Officer Joshua Dyk during a declared riot outside of the Penumbra Kelly Building at 4735 E Burnside Street, Portland, Oregon 97215. Donnelly was observed by law enforcement blocking the street and throwing frozen eggs, hard objects capable of causing injury, at officers, which precipitated his arrest. Donnelly attempted to flee from officers and resisted arrest before successfully being taken into custody. Donnelly was charged under Oregon State law with Interfering with a Public Safety Officer, Riot, and Disorderly Conduct II.

Conclusion

6. Based on the foregoing, I have probable cause to believe, and I do believe, that Kristopher Michael Donnelly on the above two occasions intentionally obstructed, impeded, and interfered with a police officer who was engaged in the lawful performance of his duties; moreover, all of these actions took place during a civil disorder that adversely affected interstate commerce in violation of 18 U.S.C. § 231(a)(3). I therefore request that the Court issue a criminal complaint and arrest warrant for Kristopher Michael Donnelly.

7. Prior to being submitted to the Court, this affidavit, the accompanying complaint and the arrest warrant were all reviewed by Assistant United States Attorneys (AUSAs) Kelly A.

Zusman and Thomas S. Ratcliffe. AUSAs Zusman and Ratcliffe advised me that, in their opinions, the affidavit and complaint are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint and arrest warrant.

Request for Sealing

8. I respectfully request that the Court issue an order sealing, until further order of the Court, all papers submitted in support of the requested criminal complaint and arrest warrant. I believe that sealing these documents is necessary because any disclosure of the information at this time may endanger the life or physical safety of an individual, cause flight from prosecution, or otherwise seriously jeopardize an investigation, including the planned arrest of the defendant.

Joseph O. Youngblood
Special Agent,
Federal Bureau of Investigation

Sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone at 5:35 pm on August 26, 2020.

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HONORABLE YOULEE YIM YOU
United States Magistrate Judge